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Desraj vs Dda and Anr

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Court : Delhi Orders

Decided On : Feb-26-2026

Judge : Hon'Ble Mr. Justice Jasmeet Singh

Appeal No. : W.P.(C)/14845/2024

Appellant : Desraj

Respondent : Dda and Anr

Advocate for Def. : Mr. Kartik Sharma, Mr. Siddharth Arora

Advocate for Pet/Ap. : Ms. Reny Chauhan

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 14845/2024 DESRAJ .....Petitioner Through: Ms. Reny Chauhan, Adv.

versus

DDA AND ANR .....Respondents Through: Mr.Anubhav Gupta ,Mr Kartik Sharma, Mr Siddharth Arora, Advs. for R-1

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% 26.02.2026

1. This is a writ petition filed under Article 226 of the Constitution of

> India seeking the following prayers:- 1. Issue an appropriate Writ/Order or Direction in the nature of mandamus to the Respondents to deliver possession to the Petitioner of the above-mentioned plot bearing No. 168, Pocket No. C1, Sector 37, Rohini, Delhi, allotted to the Petitioner against the allotment price paid by the Petitioner;

2. Award compensation to the Petitioner for the delay of 6 years caused by the Respondents in handing over the possession of the flat;

3. Direct the Respondents to initiate an investigation into the matter as to why money was illegally demanded from the Petitioner and why was the flat cancelled without any notice to the Petitioner.

2. The brief facts are that the petitioner had applied for a flat under Rohini Residential Scheme, 1981 (RRS 81) of the Delhi Development Authority i.e., respondent No. 1(DDA) by paying an amount of Rs. 2,000/- as a deposit, to be adjusted towards the final payment.

3. Subsequently, DDA issued a demand-cum-allotment letter dated

12.02.2018, for allotment of LIG plot bearing No. 168, Pocket No. C1, Sector 37, Rohini, Delhi measuring 32 sq. mt. in RRS 81 at a disposal cost of Rs. 5,27,264/- .The petitioner made the required payments in accordance with the timelines given in the said letter.

4. Thereafter, petitioner made repeated request seeking possession of the flat including letter dated 01.10.2019 to respondent No. 2.

5. Since the flat in question was not handed over to the petitioner, the present petition has been filed.

6. Mr. Gupta, learned counsel for the respondent No.1, opposes the

> petition and states that the petitioner requested for the refund of the registration money vide letter dated 12.04.1996 and on his request the registration was cancelled and a cancellation letter dated 03.09.1996 was issued along with cheque no. 225775 dated 02.08.1996 for Rs. 4120/-. He states that for the said reasons, the petition is not maintainable.

7. The same is refuted by Ms. Chauhan, learned counsel for the

petitioner, and she states that firstly, the petitioner had written no such letter of 12.04.1996 and also no cheque of any amount much less Rs. 4120/- was paid to the petitioner and /or encashed by the petitioner. Hence, the entire story cooked up by respondent No.1 is only to defeat legitimate rights of petitioner.

8. I have heard learned counsel for the parties.

9. In my considered opinion, in case the submission of the learned counsel for the respondent No.1 is assumed to be correct then the cancellation of the petitioner would have fructified on 12.04.1996 i.e., when

the petitioner allegedly addressed a letter seeking cancellation of the allotment or latest by 03.09.1996 i.e., when the respondent No.1 issued the cancellation letter.

10. However, the respondent No.1 has not been able to justify as to why then a demand-cum-allotment letter dated 12.02.2018 was issued to the petitioner calling upon the petitioner to pay the amount of Rs. 5,27,264/-.

11. In the Counter Affidavit on behalf of the respondent No. 1/DDA, the

issuance of demand-cum-allotment is described as inadvertent mistake, the relevant paragraphs reads as under:- 5. That the Petitioner is using inadvertent

mistake on the part of the Answering Respondent for his wrongful gain and by concealing the important facts from this Hon'ble Court. xxxxxxxx

9. That the contents of Para 9 which are contrary to the record are

wrong and denied. It is clear from the documents that the registration of the Petitioner was cancelled under the scheme upon receipt of his request letter and the registration amount was also refunded to him. The Petitioner is using inadvertent mistake on the part of the Answering Respondent. It is further 5 submitted that the preliminarily objections/submissions be treated as further reply to the present paragraph.

12. The respondent No.1 is an instrumentality of state and has to function

within the parameters of law and judicial proprietary and cannot be permitted to use the words like inadvertent mistake or Bonafide omission in a casual manner.

13. The ground of inadvertent mistake for justifying issuance of

demand-cum-allotment seems lame and an afterthought to me. If the cancellation was of the year 1996, the same should have been duly reflected in the records of the respondent No. 1 and appropriate actions should have been taken.

14. Additionally, even if I assume that the said demand-cum-allotment

letter dated 12.02.2018 was an inadvertent mistake, there is no justification as to why the respondent No.1 accepted the said amount from the petitioner and continued to retain the said amount over a period of 6 years. Therefore, respondents argument predicated on some inadvertent mistake does not at all appeal to me and thus, the same also is rejected.

15. The only conclusion from the demand-cum-allotment letter dated

12.02.2018 that can be drawn is the acceptance of money from the petitioner and this clearly shows that the earlier letters dated 12.04.1996 and 03.09.1996, are either misconceived or manufactured. The conduct of the respondent No. 1 shows totally to the contrary.

16. For the said reasons, I have no hesitation in allowing the petition.

17. The respondent No. 1 shall deliver possession of LIG plot bearing No. 168, Pocket No. C1, Sector 37, Rohini, Delhi to the petitioner immediately and not later than 4 weeks from today.

18. With the said direction, the present petition is disposed of. JASMEET SINGH, J FEBRUARY 26, 2026/DM

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